

HOUSE BILL 761

D4

2lr1038

By: **Delegate Dumais**

Introduced and read first time: February 9, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Grandparent Visitation**

3 FOR the purpose of altering the circumstances under which an equity court may grant
4 visitation rights to a grandparent of a child; and generally relating to child
5 visitation.

6 BY repealing and reenacting, with amendments,
7 Article – Family Law
8 Section 9–102
9 Annotated Code of Maryland
10 (2006 Replacement Volume and 2011 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Family Law**

14 9–102.

15 **(A)** An equity court may:

16 (1) consider a petition for reasonable visitation of a grandchild by a
17 grandparent; and

18 (2) [if the court finds it to be in the best interests of the child,] grant
19 visitation rights to the grandparent **IF THE COURT FINDS BY A PREPONDERANCE**
20 **OF THE EVIDENCE THAT:**

21 **(I) VISITATION WITH THE GRANDPARENT IS IN THE BEST**
22 **INTERESTS OF THE CHILD; AND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) 1. THE CHILD'S HEALTH OR WELFARE WILL BE**
2 **HARMED IF VISITATION TO THE GRANDPARENT IS DENIED; OR**

3 **2. OTHER EXTRAORDINARY CIRCUMSTANCES EXIST.**

4 **(B) IN DETERMINING WHETHER THE CHILD'S HEALTH OR WELFARE**
5 **WILL BE HARMED IF VISITATION TO THE GRANDPARENT IS DENIED, OR**
6 **WHETHER OTHER EXTRAORDINARY CIRCUMSTANCES EXIST, THE COURT SHALL**
7 **CONSIDER THE FOLLOWING FACTORS:**

8 **(1) THE RELATIONSHIP BETWEEN THE CHILD AND THE**
9 **GRANDPARENT;**

10 **(2) THE RELATIONSHIP BETWEEN EACH OF THE CHILD'S PARENTS**
11 **AND THE GRANDPARENT;**

12 **(3) THE TIME THAT HAS ELAPSED SINCE THE CHILD LAST HAD**
13 **CONTACT WITH THE GRANDPARENT;**

14 **(4) THE EFFECT THAT THE VISITATION WILL HAVE ON THE**
15 **RELATIONSHIP BETWEEN THE CHILD AND THE CHILD'S PARENTS;**

16 **(5) IF THE PARENTS ARE DIVORCED OR SEPARATED, THE**
17 **CUSTODY ARRANGEMENT THAT EXISTS BETWEEN THE PARENTS WITH REGARD**
18 **TO THE CHILD;**

19 **(6) WHETHER THE GRANDPARENT IS SEEKING VISITATION IN**
20 **GOOD FAITH; AND**

21 **(7) ANY OTHER FACTOR THE COURT CONSIDERS RELEVANT IN**
22 **MAKING A DETERMINATION UNDER THIS SUBSECTION.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2012.